IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

ON FRIDAY, THE SIXTH DAY OF AUGUST,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 11580 of 2004

Between:

Maddirala Brahmaiah S/o. Sambaiah
R/o. Pedakakani (V&M), Guntur District

.PETITIONER

AND

1. The Nagarjuna University, rep. by its Registrary,

Nagarjuna Nagar, Guntur.

2 The Vice Chancellor, Nagarjuna University,

Nagarjuna Nagar, Guntur.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No. Nu/Estt/E1/D.Acn./Suspension/2003 Dt. 7.10.2003 issued by the 2nd respondent so far as petitioner is concerned as illegal, contrary to law and arbitrary .

Counsel for the Petitioner:MR.VENKATESWARLU POSANI

Counsel for the Respondent s: MR.T.S.HARNATH S.C.for N.V.

The Court before admitting the writ made the following :

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.No.11580 of 2004

O R D E R:

The petitioner is working as driver in the respondents' University. He alleged to have supplied the printed empty mark as lists to one Mr. M.V. Prasada Rao, who in turn filled up the marks list by putting pass marks to a failed candidate. Subsequently, it came to light and at the instance of the University, a crime was registered under Crime No. 105 of 2003, against the petitioner and another person for the offences under Sections 420, 468 and 471 of Indian Penal Code. The petitioner was arrested on 4.10.2003 and was said to be released on bail within three days. In pursuance of the registration of the crime against the petitioner and his arrest, the respondents kept him under suspension with effect from 7.10.2003 and he is still continuing under suspension.

The grievance of the petitioner is that though six months period has elapsed from the date of suspension, it is allowed to be continued by the respondents and no orders have been passed to revoke the suspension. Therefore, he approached this Court to issue a *writ of mandamus* declaring the proceedings of suspension dated 7.10.2003, issued by the second respondent as illegal, arbitrary and contrary to law. Since a crime is pending against the petitioner involving the moral turpitude, it is for the concerned authority to pass appropriate orders regarding rising of the suspension imposed on the petitioner. The petitioner is therefore, at liberty to make a representation to the second respondent and the second respondent on receipt of the said representation may pass appropriate orders as per rules by taking a decision either to continue or to raise the

suspension orders against the petitioner.

The Writ Petition is accordingly disposed of. No order as to costs.

6th August 2004

Note: Issue C.C. in three days.

B/o

BCS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Registrar, Nagarjuna University,

Nagarjuna Nagar, Guntur.

2 The Vice Chancellor, Nagarjuna University,

Nagarjuna Nagar, Guntur.

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